

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

Elizabeth Ann Tillman,)	
)	Civil Action No. 6:15-cv-03114-JMC
Petitioner,)	
)	
v.)	ORDER
)	
Warden of Leath Correctional)	
Institution,)	
)	
Respondent.)	
_____)	

Petitioner, proceeding *pro se*, brought this action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254. (ECF No. 1.) This matter is before the court for review of the Magistrate Judge’s Report and Recommendation (“Report”) (ECF No. 26), filed on February 26, 2016, recommending that Respondent’s Motion for Summary Judgment (ECF No. 18) be granted, and the Petitioner’s action (ECF No. 1) be dismissed as untimely filed under the statutory deadline set forth in 28 U.S.C. § 2244(d)(1)(A). The Report sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge’s recommendation herein without a recitation.

The Magistrate Judge’s Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, and the recommendation has no presumptive weight—the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the court may accept, reject, or

modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

Petitioner had a one-year time period from the date on which the judgment became final to file her petition. 28 U.S.C. § 2244(d)(1)(A). A total of 595 days elapsed prior to the filing of Plaintiff's petition, exceeding the statute of limitations by 230 days. Petitioner failed to timely file her petition seeking relief under 28 U.S.C. § 2254. Additionally, Petitioner was advised of her right to file an objection to the Report "within fourteen (14) days of the date of service of the Report and Recommendation," or by March 14, 2016. (ECF No. 26). Petitioner filed no written objections.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and the record in this case, the court finds the Report provides an accurate summary of the facts and law. The court **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 26). It is therefore **ORDERED** that Respondent's Motion for Summary Judgment (ECF No. 18) is granted and Petitioner's action (ECF No. 1) is **DISMISSED**.

IT IS SO ORDERED

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

March 28, 2016
Columbia, South Carolina